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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,432	09/28/2006	Akihiro Toshima	20708/0205525-US0	8748
7278 7590 02/04/2009 DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770				
EXAMINER DIAZ, THOMAS C				
ART UNIT 3656		PAPER NUMBER		
MAIL DATE 02/04/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/599,432

Applicant(s)

TOSHIMA ET AL.

Examiner

THOMAS DIAZ

Art Unit

3656

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 05 January 2009.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,6 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-3,5 and 6 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 28 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Status of Claims

This office action is in response to the reply filed on 01/05/2009. The examiner appreciates and acknowledges applicant's response. Claim 4 has been canceled. Claim 6 has been added. Claims 1-3, 5-6 remain pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

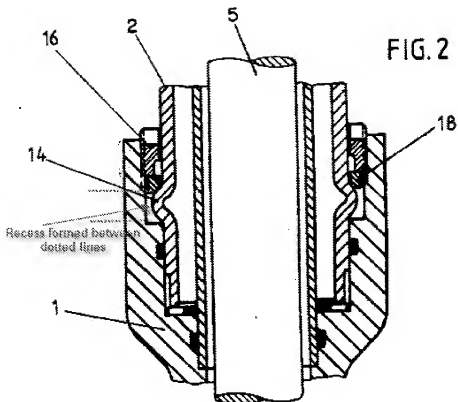
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Walter (USP 4307622).

Regarding claims 1-3,5, Walter discloses a similar apparatus comprising:

- a steering drive shaft (fig.2, 5; it is capable of moving in an axial direction) [capable of moving in an axial direction in response to a steering operation];
- a housing (fig.2, 2) accommodating the steering drive shaft and having a tube part (fig.2, 2; is in the form of a tube part) extending in a long axis direction of the steering drive shaft; and

- a bracket (fig.2, combination of 1, 16 and 18; form the bracket) having a fitting hole (fig.2, the hole through which the tube part and steering shaft penetrate axially. The bracket is arranged in a vehicle thus is configured to attach to the vehicle) into which said tube part is fitted in a co-axial direction of the tube part and [configured to attach said housing to a car body], and wherein
- said bracket has a recess (fig.2, see labeled figure below; the recess is the gap between the dotted lines.) in said fitting hole and
- said tube part has at least one escape preventing protrusion (fig.2, 14) bent into said recess and extending in a radial direction of the tube part, for preventing said bracket from escaping.



- said recess is a circular groove (see fig.2, since protrusion 14 is an annular protrusion, the groove is circumferential and thus circular).
- Said tube part is metal (see fig.2, based on the cross-hatching, the tube part is metal).
- Said recess includes a circumferential groove (see fig.2, since protrusion 14 is an annular protrusion, the groove is circumferential and thus circular).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walter (USP 4307622) in view of Wood (USP 779896).

Regarding claim 6, Walter fails to disclose the at least one escape preventing protrusion includes a plurality of escape preventing protrusions.

Wood teaches the use of a plurality of escape preventing protrusions (fig.5, b) for the purpose of retaining a bracket (fig.5, B) in place.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the escape preventing protrusion disclosed by Walter to be a plurality of escape preventing protrusions, as taught by Wood, for the purpose of providing an alternate means of retaining a bracket. Simple substitution of the connection taught by Wood with the connection disclosed by Walter would provide the predictable results of retaining the bracket in place.

Response to Arguments

5. Applicant's arguments with respect to claims 1-3, 5-6 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS DIAZ whose telephone number is (571)270-5461. The examiner can normally be reached on Monday-Friday 8:30am to 5:30pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571)272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ Thomas Diaz/
Examiner, Art Unit 3656

/Richard WL Ridley/
Supervisory Patent Examiner, Art Unit 3656